

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREGORY T. FAIR, SR.,

Plaintiff,

v.

**COMMERCIAL EXPRESS BUILDING
SERVICES INC., et al.,**

Defendant.

Case No. 2:20-cv-6519

Judge Graham

Magistrate Judge Jolson

ORDER

This matter is before the Court for consideration of Magistrate Judge Jolson’s February 16, 2022 Report and Recommendation (“R&R”), Doc. 9. The R&R recommends that Plaintiff’s Complaint be dismissed for failure to prosecute. Doc. 9 at 4. The Magistrate Judge explains that Plaintiff failed to complete Marshal service forms despite being provided numerous opportunities to do so, failed to respond to an Order to Show Cause regarding the failure to complete Marshal service forms, and failed to keep the Court apprised of his updated contact information. Doc. 9 at 3. Accordingly, the Magistrate Judge concluded that “Plaintiff has abandoned this action.” Doc. 9 at 4.

The R&R specifically advised the parties that failure to object to the R&R within fourteen days “will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” Doc. 6 at 4. The deadline for filing objections to the R&R has since expired, and no party has objected to the R&R.

The Court agrees with Magistrate Judge Jolson's R&R, Doc. 9, and it is hereby **ADOPTED**. Plaintiff's complaint is therefore **DISMISSED**. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.

s/ James L. Graham

JAMES L. GRAHAM

United States District Judge

DATE: March 16, 2022